

DATE	TIME	BY	DESCRIPTION
08/10/05	0.20	MFK	call to R. Sutton (left message) and email on scheduling of depositions and supplemental production; call with J. Carmicheal re deposition of P. Melnyk and status of case
08/11/05	0.40	MFK	emails and meeting with P. Alston on additional witnesses required to be deposed pursuant to GMP's initial disclosures and case strategy on depositions and filing of motion
08/11/05	0.20	DKK	emails back & forth with M. Kuo re drafting oral deposition notices for Peter Melnyk and Wagdy Guirguis
08/15/05	0.80	DKK	work on drafting oral deposition notices for Wagdy Guirguis and Peter Melnyk; emails back & forth with M. Kuo re same; catalog Peter Melnyk's 7/15/05 oral deposition; instruct document clerks on preparation of condensed oral deposition & exhibit notebooks
08/16/05	0.40	MFK	call with D. Sutton re deposition scheduling and production of supplemental documents; review and revise amended and continued notice for 30(b)(6) depositions for P. Melnyk and W. Guirguis; call with D. Kakazu on clarification of split notices
08/17/05	0.10	PA	review notice of taking deposition upon oral examination pursuant to 30(b)(6) of designated representative GMP Hawaii, Inc. - W. Guirguis and P. Melnyk; conference with M. Kuo re strategy
08/23/05	0.70	SWL	work on preparing/updating condensed oral deposition and deposition exhibits binder for Peter Melnyk, Ph.D., P.E. taken on 7/15/05
08/24/05	0.20	DKK	telephone conference with Rosenberg Court Reporters re exhibits 1 - 17 to Peter Melnyk, Ph.D.'s oral deposition
08/25/05	3.00	MFK	meeting with P. Melnyk and W. Guirguis re deposition dates; call to D. Sutton office on same (not in office); emails and call to P. Alston re depositions of GMP's

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			30(b)(6) representatives and scheduling representations by D. Sutton; draft letter to D. Sutton re deposition of GMP's 30(b)(6) representatives; review and revise letter on same; review amended deposition notice for W. Guirguis
08/25/05	1.70	SWL	work on updating deposition exhibits binder re Peter Melnyk, Ph.D., P.E. taken on 7/15/05
08/26/05	0.20	DKK	emails back & forth with A. Matsuo re contacting court reporter re 30 (b)(6) oral deposition
08/30/05	0.10	MFK	email to J. Carmicheal re comments to P. Melnyk's deposition for continued deposition issues
08/31/05	2.00	MFK	review exhibits to Melnyk's deposition in preparation of continued 30b6 depositions; review GMP's supplemental production of documents for factual background, to identify key documents, and to select exhibits in preparation of 30b6 deposition; email to J. Carmicheal re GMP's supplemental production, questions on key documents, and comments to Melnyk's deposition testimony
08/31/05	0.60	DKK	work on documents provided by Peter Mylnek for oral deposition exhibit preparation
09/01/05	0.10	PA	email from and to M. Kuo re depo scheduling
09/01/05	0.30	MFK	emails with A. Matsuo re calls with Sutton office re rescheduling fo deposition of Peter Melnyke; emails with P. Alston re same and case strategy and alternatives on scheduling of depositions and effect on summary judgment motion and hearing date
09/02/05	0.10	PA	email from and to M. Kuo re [REDACTED]
09/02/05	1.70	MFK	emails from A. Matsuo re calls with Sutton's office on scheduling of 30(b)(6) depositions and settlement conference; calls (four) with A. Matsuo on same and

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			confirming Sutton's reasons for rescheduling and status of Guirguis deposition; calls (three) with Debbie (Sutton's secretary) re 30(b)(6) depositions, reschduling of depositions, settlement conference; calls (two - left message) to R. Sutton on same; emails with P. Alston re same and [REDACTED]; emails with R.Sutton and Debbie re same, GMP's actions related to discovery, cancellation and rescheduling of depositions, trial and travel schedule of Sutton and Guirguis, and settlement conference; review letter from Sutton on same and call with A. Matsuo on content of same
09/06/05	0.40	DKK	confer with M. Kuo re preparation of exhibits for 30 (b)(6) oral deposition; work on same
09/07/05	1.20	JB	work on production of selected documents for deposition preparation for GMP 30(b)(6)
09/08/05	0.30	MFK	emails with P. Alston and Debbie (Sutton's office) re scheduling of settlement conference and deposition of W. Gurguis; draft letter to Sutton re re-scheduling of deposition of GMP's 30(b)(6) deponents; review amended notice of deposition for Melnyk
09/09/05	1.80	MFK	emails with J. Carmichael re Tim Steinberger, depositions verses interviews of CCH personnel, Hawaii trip, acces to review declaration, meeting re declaration for summary judgment motion, comments to Melnyk deposition; review amended notice of deposition for Guirguis; draft letter to Sutton confirming rescheduling of 30(b)(6) depositions per agreement and clarifying re-scheduled dates
09/14/05	0.10	PA	email from and to M. Kuo re depo
09/16/05	0.30	PA	conference with M. Kuo re Guirguis depo
09/16/05	0.60	MFK	emails with PA re rescheduling of deposition of P. Melnyk, deposition strategy, and trial date; review of P. Melnyk deposition outline re identifying issues of

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			coverage
09/16/05	0.30	DKK	catalog oral deposition notices for Wagdy Guirguis and Peter Melnyk
09/18/05	6.70	MFK	review deposition of Melnyk re references to Guirguis in preparation for deposition; draft deposition outline for Guirguis 30(b)(6) deposition; review key correspondence in Synagro and GMP's production to identify exhibits for deposition; review, revise, and expand deposition outline for Guirguis to include references to key exhibits; review GMP's counterclaim and Guiguis's prior declaration in preparation of deposition
09/19/05	5.60	MFK	review deposition outline in preparation for Guirguis deposition; take 30(b)(6) deposition of Guirguis; review Synagro's production of documents to locate documents on same for continued deposition; call with courtreporter re missing exhibit
09/19/05	0.80	DKK	research re power point presentation for oral deposition exhibit; confer with A. Matsuo re same
09/20/05	0.20	PA	email from and to M. Kuo re status of deposition of Guirguis
09/21/05	0.10	DKK	follow up with C. Juan re oral deposition of Peter Mylnek
09/26/05	0.20	DKK	catalog original oral depositions
09/28/05	0.10	SWL	work on preparing original oral deposition file for Peter Melnyk, Ph.D., P.E. taken on 7/15/05 [Exhibits 1 - 17]
09/29/05	2.30	MFK	calls with GMP's office (Dan Habid) re status of Guirguis' deposition transcript; miscellaneous work tracking status of same; review client notes re deposition testimony of P. Melnyk and review corresponding deposition pages in preparation of continued deposition of P. Melnyk; draft deposition outline of issues and

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			questions for continued deposition of P. Melnyk; identify and compile exhibits related to sludge testing, GMP's subcontracts with Andrtiz and CBI, and correspondence and invoice re GMP's work for CCH for continued deposition of P. Melnyk
09/30/05	0.80	MFK	emails and calls to J. Hecht (left message) and with C. Reynolds re pricing proposal submitted to CCH by Synagro and questions on same for supplemental production and Melnyk's continued deposition; miscellaneous work re execution of amended notice of deposition; meeting with N. Kanada re supplemental production of documents from GMP, copying and batestamping of same for upcoming continued deposition; meeting with courtreporter re exhibits to Melnyk's deposition and status of Guirguis deposition
10/04/05	3.60	MFK	review supplemental responsive documents, correspondence, and plans produced by GMP on 9/30/05, 10/3/05, and 10/4/05 for further case development and in preparation of Melnyk's continued deposition; compile exhibits for Melnyk's deposition; review Carmicheal's notes regarding Melnyk's initial deposition and Guirguis' references to Melnyk in preparation of Melnyk's 30(b)(6) deposition; revise and expand 30(b)(6) deposition outline for Melnyk to clarify questions regarding relationship with Andrtiz, CBI, APC, and County, and work performed to date on Project and source of work
10/04/05	0.60	NMK	compile/prepare exhibits for continued deposition of P. Melnyk
10/05/05	7.30	MFK	review supplemental documents and plans produced by GMP on 10/5; revise and expand 30(b)(6) continued deposition for Melnyk to include exhibit references and questions on documents, correspondence, and plans in GMP's supplemental productions; attend and take continued deposition of P. Melnyk
10/12/05	1.40	NMK	review P. Melnyk's continued oral deposition transcript and load into summation database; catalog deposition

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			and update deposition chart
10/13/05	1.00	JB	work on preparing oral deposition files for Wagdy Guirguis, P.E. (9/19/05) and Peter Mylnek, Ph.D., P.E. (10/5/05); work on production of condensed depositions and deposition exhibits for binder updating
10/16/05	2.10	JB	work on updating condensed deposition and deposition exhibits binders

#### **E. MOTIONS PRACTICE (INCLUDES RESEARCH)**

DATE	TIME	BY	DESCRIPTION
08/23/04	0.90	PA	<i>draft declaration; review reply memo in support of motion for temporary restraining order; draft declaration</i>
08/24/04	0.40	PA	<i>revise declaration</i>
08/25/04	1.20	PA	<i>review and revise declaration; [REDACTED]</i>
09/18/04	1.80	MFK	review correspondence file, complaint, motion for preliminary injunction, and related exhibits for purposes of clarifying facts to draft motion to dismiss counterclaim; research re FRCP Rule 11 sanctions, 12(b)(6) review standard, HRS provisions re statute of frauds, state and federal statute of fraud cases, and factually similar cases re implied contracts and statute of frauds
09/20/04	11.60	MFK	conduct research re [REDACTED]; draft motion for summary judgment on counterclaim for failure to state a claim - introduction, facts, standard of review, arguments re lack of implied contract, statute of frauds bar, inapplicability of exceptions, prohibition against award of punitive damages in contract action, Rule 11 sanctions; review and revise draft of motion to dismiss;

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			email to P. Alston on same
09/21/04	1.00	MFK	draft declaration of J. Carmichael in support of motion to dismiss; revise and expand facts and argument on construction contract terms, lack of implied contract, statute of frauds; review motion to shorten time on motion to consolidate and motion to consolidate filed by defendants
10/16/04	0.20	PA	email to M. Kuo re [REDACTED]
10/18/04	0.10	PA	email from and to M. Kuo re [REDACTED]
11/15/04	1.40	MFK	continue research on issues for motion for summary judgment on statute of frauds statute and arguments, and factually similar cases
11/16/04	1.30	PA	review and revise summary judgment motion
11/16/04	5.50	MFK	continue drafting motion for summary judgment - inserting motion for summary judgment standards and expanding facts and arguments related to statute of frauds, inapplicability of part performance, and no punitive damages
11/17/04	2.00	MFK	review and revise draft of motion for summary judgment; meeting with P. Alston on [REDACTED]; reserach [REDACTED]
11/18/04	8.30	MFK	conduct research re [REDACTED]; review of case file, contracts, correspondence, and client document to location terms reflecting intent for contract to exceed one year; emails and meetings with P. Alston on [REDACTED]; continue drafting motion for summary judgment - expand and reorganize factual statement to include City letter awarding contract and term of contract, and supplemental contract terms, and to expand and revise argument on statute of frauds and no enforceable contract; conform additional facts and

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			arguments to declaration of Carmichael
11/19/04	2.90	MFK	reserach caselaw on personal service exception to statute of frauds; continue drafting motion for summary judgment - draft argument on personal service exception; review and revise draft; email to P. Alston on draft motion
11/29/04	0.20	PA	conference with M. Kuo re [REDACTED]
11/29/04	2.10	MFK	revise motion for summary judgment to include P. Alston's comments; continue reserach on personal service exception, jurisdictions adopting or discounting Florida position, review of Illinois and Minnosota law to distinguish personal service exception, factually similar cases regarding employment relationships and personal services exception; meeting with P. Alston on same
12/08/04	3.60	MFK	review Synagro/CBI contract and CBI/GMP contract for factual backgroud and provisions helpful to summary judgment motion; revise statement of facts in summary judgment motion to [REDACTED]; continue research of [REDACTED]; revise summary judgment arguments to [REDACTED]; revise declaration of J. Carmicheal to include reference to CBI contracts; review and revise to final draft summary judgment motion and Carmicheal declaration for consistency
12/09/04	1.00	PA	review emails re GMP contract value; review and revise draft summary judgment motion
12/09/04	1.10	MFK	calls (two) and emails from James Carmichael re [REDACTED]; meeting with P. Alston on same; revise motion for summary judgment to [REDACTED] value in contract provisions and coincide declaration of Carmichael; email to P. Alston on [REDACTED]
12/16/04	0.40	PA	email from and to M. Kuo re [REDACTED]; review motion for summary judgment
12/17/04	0.40	MFK	compile exhibits in support of motion for summary

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			judgment
12/21/04	0.50	PA	email from and to M. Kuo re [REDACTED]; revise motion
12/21/04	1.10	MFK	continue research on cases holding [REDACTED]; meeting with P. Alston on [REDACTED]; draft footnote discussing facts and related arguments to support summary judgment motion on same; email and call to Jim Carmichael on [REDACTED]
12/23/04	0.80	PA	prepare declaration for J. Hecht; revise J. Carmichael declaration; email re declaration
12/29/04	0.20	PA	review and revise declaration
02/10/05	0.20	MFK	review notice of withdrawal and substitution of counsel; review district court rule 7.4 to clarify filing date for opposition to motion for summary judgment and reply
02/11/05	0.20	PA	conference with J. Carmichael re [REDACTED]
02/16/05	0.30	PA	emails from and to M. Kuo re opposition to motion for summary judgment
02/16/05	1.00	MFK	review federal and district court rules on ramifications of failing to file opposition to motion for summary judgment; emails to P. Alston re [REDACTED]; calls (three) with R. Sutton (counsel for GMP) on status of opposition to motion for summary judgment, proposed extension, and case deadlines; meeting with P. Alston on same
02/18/05	0.70	MFK	review and revise memorandum to final; email to P. Alston on same
02/25/05	0.20	DKK	emails back & forth with A. Matsuo re motion for summary judgment
03/01/05	1.20	MFK	review GMP's memorandum in opposition to summary

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			judgment motion to prepare reply; draft brief outline of arguments and counter-arguments; meeting with P. Alston on reply arguments
03/02/05	0.20	PA	email from and to M. Kuo re opposition; review draft documents
03/02/05	4.00	MFK	review GMP's exhibits in support of opposition; review declarations of Melnky and Guirguis in support of opposition; review ARI-GMP and CBI-GMP subcontracts to define scope of work and compare scope of work and contractual obligations to services and proposals in GMP's exhibits to support opposition; draft email to J. Carmichael and J. Hecht re [REDACTED]; email with P. Alston on [REDACTED]; research for [REDACTED]
03/03/05	8.40	MFK	calls (two) with J. Carmichael and (one) with Jim Hecht re [REDACTED]; continue research for reply to summary judgment motion - research [REDACTED]; continue drafting reply to memorandum - arguments re part performance, detrimental reliance, and judicial admissions doctrine; meeting with P. Alston re [REDACTED]
03/04/05	7.40	MFK	review factual background memorandums from J. Carmichael and J. Hecht; calls (two) with J. Carmichael re [REDACTED]; review of pleading file for procedural background for opposition to motion for a continuance; review motion for a continuance and declaration of counsel and attached discovery in preparation of drafting opposition; research re Rule 56(f) and (g) re a continuance, judge's discretion, lack of due diligence in conducting discovery; continue drafting consolidated reply to summary judgment motion/motion to continue - procedural background and arguments on lack of due diligence to obtain continuance, one year bar, and lack of sufficient writing
03/05/05	0.10	PA	email regarding motion for summary judgment